

## **Furlough Informational Plan Instructions**

The Kansas Administrative Regulation that govern Furlough Leave without Pay is K.A.R. 1-14-11

A Furlough Informational Plan must be filed with the Director of Division of Personnel Services at least 60 calendar days prior to the date a furlough is to be implemented. The Plan may be approved, modified, approved as modified, or rejected by the Secretary of Administration.

The Furlough Informational Plan is to be posted on the agency's official bulletin boards, upon approval and prior to activation of the Furlough Informational Plan. A Furlough Informational Plan may be activated, if the agency's written request to activate the plan is approved by the Secretary of Administration.

All Furlough Informational Plans are to be submitted on form DA-318 - December 2002 and are to contain the information identified below. Voluntary furloughs are permissible, if they are included in the agency Furlough Informational Plan.

Furlough Informational Plans include information on classified exempt and non-exempt positions. While the Kansas Administrative Regulations do not cover unclassified exempt or non-exempt positions, it is good management practice to inform all employees of how furloughs will be handled for all positions within the agency. As such, inclusion of unclassified positions in a Furlough Informational Plan is recommended.

Please Note: A blank Furlough Informational Plan, DA-318 - December 2002, is available at the end of this document and on the Division of Personnel Services' Website. Spaces on the form may be expanded to meet agency needs

### **Introduction**

Identify agency and reason for the furlough.

### **Geographic Areas**

List the geographic areas, i.e. cities or counties that will be affected by the furlough.

### **Organizational Units**

List the organizational units, i.e. divisions, sections or other organizational units, that will be affected by the furlough. If all organizational units in the agency or in a particular geographic area are proposed to be affected, state that all organizational units in the agency or within a particular geographic area will be affected. The Plan should contain specific information.

## **Classes and Positions**

Identify the classes and positions to be affected by the furlough and if the furlough will involve full time or part time, classified or unclassified, exempt or non-exempt positions.

If employees in exempt positions are involved in the furlough, identify the documentation that will be used to track time worked/not worked during the week or bi-weekly pay period in which they are furloughed.

If a furlough is proposed for some job classes or positions within a job class in the agency or within a particular organizational unit or geographic area, then each affected job class and position should be listed using the official class titles.

If a furlough is proposed for all job classes and positions in the agency or within a particular organizational unit or geographic area then this section should state that all classes and positions in the identified organization unit or geographical area will be affected.

Note: K.A.R. 1-14-11 does not apply to unclassified positions and employees. It is recommended that the potential furlough status of unclassified positions and employees, along with classified positions and employees, be referenced in the Furlough Informational Plan.

## **Funding**

Identify the specific funding sources for the job classes and positions that will be affected by the furlough.

Identify the cause of the funding shortage for the classes and category of positions identified for furlough.

If the furlough impacts federal funding match, any federal funds that will be lost as a result of the furlough should be identified.

## **Criteria**

Describe how the classes, positions, organizational units, geographic areas, funding sources, or combinations thereof to be affected by the furlough were selected.

If certain classes, positions, organizational units or geographic areas are to be excluded from the furlough, describe how the exclusions were selected.

If voluntary furloughs will be allowed, include criteria for both voluntary and mandatory furloughs.

### **Number of Furlough Hours Per Workday or Workweek**

Specify the number of hours the standard workday or workweek will be reduced for full time and part time, classified and unclassified, exempt and non-exempt positions.

The FLSA status for exempt employees who are furloughed must be temporarily switched to non-exempt status for the duration of the furlough and during that time, those employees are governed by all FLSA rules and regulations pertaining to non-exempt employees. Therefore, all employees may be furloughed in quarter-hour increments. (See *Exempt Employees* section of this document). (Reference: Bulletin No. 02-04).

Note: K.A.R. 1-14-11 does not apply to unclassified positions and employees. However, whether in the classified or unclassified service, the FLSA status for the exempt employee must be changed to non-exempt during that week.

### **Employee Information**

Methods that will be used to notify employees of the agency's Furlough Informational Plan are included in this section.

In accordance with K.A.R. 1-14-11, after the agency's Furlough Informational Plan is approved by the Secretary of Administration, the agency's appointing authority shall notify employee by posting the Plan on the official bulletin board(s) in the agency.

### **Implementation Date**

Identify the estimated start and end dates of the proposed furlough. The implementation date for the furlough is the beginning of a pay period. Individual employees may be furloughed any time within the furlough pay period(s).

Each Furlough Informational Plan shall begin and end in the same fiscal year, except as otherwise approved by the director.

### **Estimated Cost Savings**

Provide the savings anticipated by the implementation of the proposed furlough and the funding source (State General Fund, Federal Funds, or Other Funds) of the identified savings. Indicate if the dollar savings are identified by day, week, month, etc.

## **Furloughs and FLSA**

### Exempt Employees

- FLSA allows public sector employers to make deductions from the salary of an otherwise exempt employee for specific reasons without the employee losing their exempt status, **except** in the workweek during which the deduction occurs, as provided for in 29 CFR 541.5d (b).

(b) Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid “on a salary basis” except in the workweek in which the furlough occurs and for which the employee’s pay is accordingly reduced.”
- The FLSA status for exempt employees who are furloughed must be temporarily switched to non-exempt status for the duration of the furlough and are governed by all FLSA rules and regulations pertaining to non-exempt employees. This means that the employee could be furloughed in quarter-hour increments, not just in half or full-day increments since their FLSA status is changed to non-exempt during that week. The employee must be treated in all other respects as a non-exempt employee during these weeks. For example, the employee must fill out a time document for the week, must use leave in quarter hour increments and is eligible for overtime compensation should the employee exceed the overtime threshold. (See Bulletin No. 02-04)

### Non-Exempt Employees

- FLSA provides that non-exempt employees who accrue compensatory time off in-lieu-of overtime pay shall be expected to use their accrued compensatory time unless doing so is unduly disruptive to the employer, as provided for in 29 CFR 53.25(d).

“Unduly disrupt. When an employer receives a request for compensatory time off, it shall be honored unless to do so would be “unduly disruptive” to the agency’s operation. Mere inconvenience to the employer is an insufficient basis for denial of a request for compensatory time off. For an agency to turn down a request from an employee for compensatory time off requires that it should reasonably and in good faith anticipate that it would impose an unrealistic burden on the agency’s ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee’s services.”

- Employee requests to use accrued compensatory time to offset furloughed leave without pay shall not be approved for the designated hours or days of the furlough leave without pay.

## **Furlough Informational Plan**

### **Introduction**

### **Geographic Areas**

### **Organizational Units**

### **Classes and Positions**

### **Funding**

### **Criteria**

### **Number of Furlough Hours Per Workday or Workweek**

### **Employee Information**

### **Implementation Date**

### **Estimated Cost Savings**